IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.45 OF 1993

Rajaram Hari Padamai — Petitioner
versus
Smt.Krishnabai Hari Padamai
and others — Respondents

N.J.Patil for petitioner.

CORAM : A.P.DESHPANDE, J.

DATE : 08th December 2006

PC :

1. This writ petition filed in the year 1993 came to be dismissed in default on 21st September 2006 as the respondents were not by then served. The petitioner filed an application for restoration and after allowing the said application I have taken up the matter for hearing.

2. The learned counsel for the petitioner submits that the writ petition has been filed by the original defendant who at a belated stage tried to tender documents (containing more than 80 documents) after the evidence was over, after

the trial had progressed. It will not be out of place to mention that the Regular Civil Suit is of the year 1986. On account of admission of this writ petition and grant of interim stay, the proceedings of civil suit are stayed since 1993 to 2006, as an interlocutory order passed by the Trial Court rejecting the application to produce the documents, is challenged in the present writ petition.

3. Perused the order passed by the Trial Court so also the review order. The same does not suffer from any patent illegality nor does it reveal any perversity to interfere in the same. There is no merit in the petition. The same is dismissed. As I am not elaborately dealing with the issues raised in the present writ petition, suffice it to point out that the grounds raised by the petitioner in the present petition are left open for being agitated in a Regular Civil Appeal, if and in case the judgement and decree is passed against present petitioners-defendants. Petition is thus dismissed. No order as to costs.

(A.P.DESHPANDE, J.)